Boise Office
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559

SAWTOOTH LAW OFFICES, PLLC

David P. Claiborne *
S. Bryce Farris
Patxi Larrocea-Phillips
Evan T. Roth
Daniel V. Steenson
Matthew A. Sturzen
Katie L. Vandenberg
Andrew J. Waldera **
James R. Bennetts *(retired)*

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

Monday, December 09, 2019

Director of the Water Division, USEPA Region 10
c/o Nicholas Peak, EPA Agriculture Advisor
1200 Sixth Avenue, Suite 155, WD 19-C04
Seattle, WA 98101-3188
Via email to *peak.nicholas@epa.gov*
Via facsimile to (206) 553-0165

Re: Idaho Dairymen's Association's Comments on the Proposed Reissuance of NPDES General Permit for Concentrated Animal Feeding Operations Located in Idaho (IDG010000)

Dear Mr. Peak:

This office represents the Idaho Dairymen's Association ("IDA"), an organization that represents the interests of all dairy producers within the state of Idaho. The dairymen of Idaho and IDA have enjoyed a great working relationship with EPA Region 10 and its staff for many years. IDA hopes to maintain this relationship for years to come as the dairy industry and its individual dairy owners are firmly rooted within this region.

This letter contains IDA's comments on Region 10's proposal to reissue National Pollutant Discharge Elimination System ("NPDES") general permit number IDG010000 ("Draft Permit") for Concentrated Animal Feeding Operations ("CAFOs") located in Idaho. IDA's concerns, detailed herein, begin with general comments, followed by specific comments on provisions of the Draft Permit and recommended changes to the Draft Permit's language. Although IDA prefers that these changes be made to the permit itself, if EPA has cause to believe that it cannot make the change directly to the permit, then IDA respectfully requests that the changes it has suggested be incorporated in the fact sheet that will accompany the permit.

General Comments & Concerns

With the transfer of permitting authority from EPA to the Idaho Department of Environmental Quality ("IDEQ") rapidly approaching (July 1, 2020), EPA's proposed reissuance of a NPDES General Permit for CAFOs in Idaho is ill-timed and inadequately informed by the needs, requirements and processes of dairy environmental management in Idaho. IDA recommends that issuance of a new General Permit for dairy operations and other CAFOs in Idaho be delayed until IDEQ takes over permitting authority and has an opportunity to work with the Idaho State Department of Agriculture ("ISDA"), IDA and other interested parties in Idaho to develop a permit that is tailored to the meet the challenges, needs and expectations of dairy environmental management in Idaho.

Among regulatory agencies, ISDA has the most direct, in-depth knowledge and experience with dairy environmental management and administration in Idaho. More than any other government agency, ISDA understands dairy nutrient management planning and containment structure construction and maintenance. IDA has participated in IDEQ's workgroup developing guidance for the anticipated IPDES CAFO permits to ensure that IDPES permit provisions and procedures are clear, consistent with the law and dairy environmental management in Idaho, and do not create conflicts between IPDES permitting and dairy environmental management administration and enforcement by ISDA. Unfortunately, ISDA has not been sufficiently involved in the development of EPA's Draft Permit. This is evident from several proposed permit provisions that reference, incorporate or apply guidance documents and standards that are not used or pertinent to dairy environmental management in Idaho. As proposed, EPA's draft permit contains numerous provisions that will create confusion and conflicting standards for regulatory agencies and permittees, as well as undue hardship for dairy operators.

If EPA does not postpone reissuance of an NPDES Permit to allow IDEQ to develop and issue a permit that will work in Idaho, IDA recommends that a section be added to the beginning of the permit that explains the posture and timeline of this permit. At a minimum, it should explain that: (1) this permit will be enforced by EPA until Idaho gains primacy of its CAFO permits in 2020; (2) once Idaho gains primacy, this permit will be enforced by Idaho agencies; (3) the effective period of this permit and Idaho's intent to use this permit as the IPDES permit until it writes its own; and (4) precisely what Idaho agencies must be contacted for each requirement once Idaho gains primacy of the permit. There are numerous points in the permit that refer to reports being made to EPA, but they do not indicate to whom those reports must be made once Idaho takes primacy. Because this Draft Permit will become the Idaho Pollution Discharge Elimination System (IPDES) Program permit in 2020, we feel it is necessary to clearly delineate this information at the beginning of the document so that permittees can clearly understand the framework and reporting requirements of the final permit.

IDA also encourages EPA to recognize and implement the common sense and practical approach that IDA has taken in recommending the solutions contained herein. CAFOs, and especially dairies, are dynamic operations with complex operational challenges. As such, the requirements

that permittees are held to should be realistic and reflect actual working conditions of a dairy, rather than idealistic requirements from text books that are not practically attainable on the ground during the normal course of operation. As a group that represents real-life, potential permittees, IDA hopes that this collaborative approach will provide insight to bridge the gap between agency expectations and what is realistically attainable by the permittees themselves.

Specific Comments & Concerns

- **Draft Permit § I.F.2, page 7: Individual Permit Coverage**

  - **Concern:** This section states that "EPA may **at any time** require any facility authorized by this permit to apply for, and obtain, an individual NPDES permit." However, this statement is overbroad compared to what is stated within the federal regulations. Specifically, 40 C.F.R. § 122.23(h)(3) gives the Director the authority to require an individual permit in accordance with 40 C.F.R. § 122.28(b)(3). Moving to § 122.28(b)(3), it provides that: "The Director may require any discharger authorized by a general permit to apply for and obtain an individual NPDES permit. Any interested person may petition the Director to take action under this section. **Cases where an individual NPDES permit may be required include the following** . . ." This section then identifies situations (A) through (G) which may substantiate coverage under an individual permit rather than a general permit. Because EPA's determination of when an individual permit will be required is limited by 40 C.F.R. § 122.28(b)(3), it should be referenced.

  - **Solution:** IDA recommends changing this section to read as follows:

    2. Pursuant to 40 C.F.R. § 122.28(b)(3), EPA may ~~at any time~~ require any facility authorized by this permit to apply for, and obtain, an individual NPDES permit. EPA will notify the operator, in writing, that an application for an individual permit is required and will set a time for submission of the application. Coverage of the facility under this general NPDES permit is automatically terminated when: (1) the operator fails to submit the required individual NPDES permit application within the defined time frame; or (2) the individual NPDES permit is issued by EPA.

- **Draft Permit § I.F.3, page 7: Individual Permit Coverage**

  - **Concern:** This section states that an owner/operator may request to be covered under an individual permit pursuant to 40 CFR § 122.28(3)(iii). However, there is an error with this CFR reference that may confuse permittees. The correct reference should be to 40 C.F.R. § 122.28(b)(3)(iii).

- **Solution:** IDA recommends correcting this section to read as follows:

  3. Any owner/operator who believes that the terms and conditions of this general permit are not appropriate for his/her CAFO facility, either prior to or after obtaining coverage under this permit, may request to be covered under an individual permit pursuant to 40 CFR § 122.28(b)(3)(iii). The owner/operator shall submit an application for an individual permit (Form 1 and Form 2B) with the reasons supporting the application to EPA. If a final, individual NPDES permit is issued to an owner/operator otherwise subject to this general permit, the applicability of this NPDES CAFO general permit to the facility is automatically terminated on the effective date of the individual NPDES permit. Otherwise, the applicability of this general permit to the facility remains in full force and effect.

- **Draft Permit § II.B.8, page 10: Land Application Setback Requirements**

  - **Concern:** This section discusses compliance alternatives to the 100-feet land application set back. Although IDA understands the intent of this section, it believes that its vague language may be open to interpretation and that it may confuse permittees.

  - **Solution:** IDA recommends making the following changes to this section to provide clarity for permittees:

    8. Land application setback requirements. Unless the permittee exercises one of the compliance alternatives of this section as provided below in (a) or (b), manure, litter, and process wastewater may not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to service waters.

       a. Vegetated buffer compliance alternative. As a compliance alternative, the CAFO may substitute the 100-foot setback with a 35-foot wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited.

       b. Alternative practices compliance alternative. As a compliance alternative, the CAFO may demonstrate that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the 100-foot setback. An adequate demonstration may include the use of site-specific data using a tool such as the Idaho NRCS Water Quality Technical Note #6, Idaho Nutrient Transport Risk Assessment (INTRA) (Appendix E) or the Idaho Phosphorus Site Index (Appendix I), and associated implementation of alternative conservation practices recommended as a result of these tools.

- **Draft Permit § II.B.9, page 10: No Dry Weather Discharge**

  - **Concern:** This section states that there "shall be no dry weather discharge . . . to waters of the United States . . . through subsurface flows." Upon first review, this reference is troublesome because it appears to imply that the Clean Water Act (CWA) has authority over groundwater with its reference to "subsurface flows," which is subject to debate as the law regarding this authority is currently unsettled.

  - **Solution:** IDA recommends striking this sentence from this section, as its intended message is clear from the first sentence of this section without including unsettled law that is subject to debate:

    9. No Dry Weather Discharge. There shall be no dry weather discharge of manure, litter, or process wastewater to a water of the United States from a CAFO as a result of the application of manure, litter or process wastewater to land areas under the control of the CAFO. ~~This prohibition includes discharges to waters of the United States through tile drains, ditches or other conveyances, irrigation-related flows and subsurface flows.~~

- **Draft Permit § III.A.2.a.ii, page 11: NMP Content**

  - **Concern:** This section requires permittees to complete Washington NRCS Engineering Technical Note #23 for each wastewater or manure storage structure and to include the results of the evaluation in the permittee's NMP. IDA believes it is inappropriate to incorporate another state's technical note into the Idaho Draft Permit when this technical note has not been adopted by Idaho state agencies. This technical note was created to address geographic conditions in the state of Washington, not Idaho. Furthermore, wastewater and manure storage structures in Idaho have been constructed to comply with NRCS Appendix 10D and IDAPA 02.04.14.030.01, which have different requirements than Technical Note #23. As such, IDA fears that use of this note will create confusion and conflicting standards for regulatory agencies and permittees, as well as undue hardship for dairy operators who have constructed their wastewater and manure storage structures to be compliant with Idaho standards, rather than Washington standards.

  - **Solution:** IDA recommends providing flexibility by allowing producers to forego use of Technical Note #23 by showing compliance with NRCS Appendix 10D and IDAPA 02.04.14.030.01 through the confirmation of a professional engineer. As such, this section should be amended to read as follows:

    ii. The CAFO covered by this permit must ensure the proper operation and maintenance of wastewater and manure storage structures by confirming compliance with NRCS Appendix 10D and IDAPA 02.04.14.030.01 through a professional engineer, or by completing the Washington NRCS Engineering

Technical Note #23, January 2013 (Appendix D), for each wastewater or manure storage structure. If the evaluation of the CAFO's wastewater or manure storage structures identifies deficiencies in the operation or maintenance of the structures, the CAFO must identify measures to address those deficiencies in its NMP. If the permittee chooses to confirm compliance through the use of an engineer, then the NMP must include the results of the engineer's evaluation. If the permittee chooses to use Technical Note #23, then ~~T~~the NMP must include the results of the evaluation using Washington NRCS Engineering Technical Note #23, January 2013 (Appendix D).

- **Draft Permit § III.A.2.e, page 12: NMP Content - Chemicals**

  - **Concern:** This section begins with the broad statement that a permittee must: "Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals or contaminants." There is no definition of "chemicals or contaminants" in this permit. IDA is concerned that the first sentence may be interpreted to prohibit the continued use of generally accepted industry agents that are required for animal husbandry and to clean milking parlors as mandated by the Pasteurized Milk Ordinance. The agents used for these practices inevitably enter wastewater storage structures. It is unrealistic to separate and divert cleaning and animal husbandry agents from storage structures, or require permittees to "specifically design" their structures to treat them. Preventing a hoof treatment from entering a storage structure, for example, is not realistic or achievable, when cows walk through the water and manure that enters storage structures. Accordingly, this section must be clarified so that it is not interpreted to prohibit the use of these generally accepted industry cleaning (and required by the Pasteurized Milk Ordinance) and animal husbandry agents.

  - **Solution:** IDA recommends amending this section as provided below to provide this clarification for permittees:

    e. Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals or contaminants. For purposes of this permit, agents that have been used for cleaning to comply with the Pasteurized Milk Ordinance and for animal husbandry purposes, such as hoof baths, that are generally accepted by the industry, shall not be considered chemicals or contaminants that may not enter storage systems. All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the management of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner sufficient to prevent pollutants from entering the manure, litter, or process wastewater storage structure or waters of the United States. The NMP must include references to any applicable chemical storage and handling protocols and incorporate specific BMPs and actions that will be taken to prevent the improper disposal of chemicals and other contaminants into any manure, litter, process wastewater, or storm water storage or treatment system. The NMP should also consider chemical handling plans for the protection of wells, water supplies, and any drainage ways that are close to chemical storage and handling areas.

- **Draft Permit § III.A.2.f, pages 12-13: NMP Content – Conservation Practices**

  - **Concern:** As written, this section can be interpreted to require all land application areas to achieve a low risk rating under the INTRA or the P Index by use of the phrase "[t]he NMP must identify all fields that have a Medium or greater risk assessment and identify appropriate site-specific conservation practices required to reduce the risk assessment for each specific field to a Low rating." This statement is unnecessarily restrictive and contradicts the function and use of these indices. The P Index and INTRA are designed to reduce risk, but **do not** require all fields to achieve a low risk rating. Instead, manure must be applied at varying levels that correspond to the field's risk rating, with higher risk fields having lower application rates than low risk fields. The P index and INTRA are designed to operate at all ratings and it would undermine the function and utility of the indices to require every field to operate at a low risk rating. This section essentially requires a facility to control all environmental variabilities in order to land apply under the indices, which is not realistic or consistent with the indices.

  - **Solution:** IDA recommends that the section be amended to accurately reflect the operation of the indices as follows:

    f. Identify appropriate site-specific conservation practices to be implemented on the land application areas, including as appropriate buffers or equivalent practices as stipulated in Section II.B.8, to control runoff of pollutants to waters of the United States. The NMP must include appropriate conservation practices identified by evaluating each land application area using the Idaho NRCS Water Quality Technical Note #6, Idaho Nutrient Transport Risk Assessment (INTRA) (Appendix E). Dairies may opt to utilize the Idaho Phosphorus Site Index (P Index) (Appendix I). The NMP must include the results of the INTRA or P Index evaluations. ~~The NMP must identify all fields that have a Medium or greater risk assessment and identify appropriate site-specific conservation practices required to reduce the risk assessment for each specific field to a Low rating.~~ All operations must follow guidance provided by INTRA and the P Index. If the site-specific conservation practices are NRCS conservation practice standards, the NMP must include provisions to operate and maintain those site-specific conservation practices according to the specific NRCS conservation practices standard. If the owner/operator proposes alternative practice or performance standards, the NMP must describe and cite those standards so that EPA can perform an adequate review. In addition, the NMP must include a schedule for implementation of site-specific conservation practices and proper operation and maintenance procedures.

- **Draft Permit § III.A.2.g.iii, page 13: NMP Content – Manure & Soil Samples**

  - **Concern:** This section requires a NAPT certified laboratory to analyze all manure and soil samples. Although NAPT certified laboratories are appropriate for soil test analyses, this is not the correct certification for laboratories that analyze manure and compost samples. The proper certification authority for manure testing is the Minnesota Department of Agriculture, and once approved, laboratories are referred to as Manure Analysis Proficiency Laboratories. A list of these approved laboratories can be found at http://www2.mda.state.mn.us/webapp/lis/maplabs.jsp.

- **Solution:** IDA recommends amending this section to reflect that NAPT laboratories must analyze soil samples, while Manure Analysis Proficiency Laboratories must analyze manure samples, as follows:

  iii. ~~Manure and~~ Soil samples must be analyzed by a laboratory certified by the North American Proficiency Testing Program (NAPT). Manure samples must be analyzed by a certified Manure Analysis Proficiency Laboratory.

- **Draft Permit § III.C.1.c, & 2, pages 15-16: Facility Closure**

  - **Concern:** This section requires facility closure if the permittee "ceases operation." This language is problematic, because it may be interpreted to require closure when a permittee ceases its dairy operation but plans to sell it to a new owner that will need the facility when it takes over and resumes operation. The proper standard for closure is stated in the highlighted portions of the attached Idaho NRCS Practice Standard Code 360 (referenced in subsection d. of this section). Standard 360 defines "Waste Facility Closure" as: "The decommissioning of a facility where agricultural waste has been treated or stored, and is no longer used for the intended purpose." Standard 360 applies "to an agricultural waste facility or livestock production site that is no longer needed as a part of a waste management system and is to be permanently closed or converted for another use."

    This section also describes the requirements for maintaining a facility that is not in use for 12 consecutive months. IDA understands that liners must not be allowed to dry out to prevent cracking. However, we feel that this provision deserves further discussion between EPA, ISDA, and IDA, as it could be interpreted to mean that a pond would need to be entirely or mostly refilled with clean water when not in use, including when heading into winter months. This is problematic for dairies who have emergency reserve lagoons that may go dry for more than twelve months, as it would mean that they would have to go into winter months with their emergency storage structure full of clean water, which would not be sensical and would also be contrary to ISDA's direction to operators to head into winter months with as much capacity as possible to ensure adequate storage for when land application is inappropriate. IDA is not aware of any legal or scientific authority that would support the broad language of this protocol, and would like to see the citing authority for this requirement. IDA requests that further discussion be had on how to make this a practical requirement that complies with ISDA's directions to operators and to prevent an interpretation where an operator is expected to keep reserve lagoons entirely full, thereby rendering those lagoons useless for emergency situations. We also suggest separating this requirement from the prior section for clarity. Furthermore, "financial viability" of a dairy operation is a an undefined, vague, and improper standard for facility closure.

  - **Solution:** IDA recommends amending this section as follows:

    c. All lagoons and other earthen or synthetic lined basins that are no longer needed as a part of a waste management system and are to be permanently decommissioned or converted for another use must be properly closed ~~if the permittee ceases operation~~ consistent with the Idaho NRCS Practice Standard Code 360 contained in Natural

Resources Conservation Service Field Office Technical Guide (Appendix B). Consistent with this standard the permittee shall remove all waste materials to the maximum extent practicable and dispose of them in accordance with the permittee's NMP, unless otherwise authorized by EPA.

d. ~~In addition,~~ For ~~A~~any lagoon or other earthen or synthetic lined basin that is not in use for a period of twelve (12) consecutive months ~~must be properly closed unless the facility is financially viable, intends to resume use of the structure at a later date, and~~ but will not be permanently decommissioned or converted to another use, the permittee shall ~~either~~:

   i. Maintain~~s~~ the structure as though it were actively in use in order to prevent compromise of structural integrity pursuant to ISDA direction and/or protocols.~~; or~~
   ii. ~~Removes manure and wastewater to a depth of one foot or less and refills the structure with clean water to preserve the integrity of the synthetic or earthen liner.~~
   iii. The permittee shall notify EPA, in writing, of the action taken, and shall conduct routine inspections, maintenance, and record keeping as though the structure were in use. Prior to restoration of use of the structure, the permittee shall notify EPA, in writing, and provide the opportunity for inspection. The permittee shall properly handle and dispose of the water used to preserve the integrity synthetic or earthen liner during periods of non-use in accordance with the NMP.

~~d. All closure of lagoons and other earthen or synthetic lined basins must be consistent with the Idaho NRCS Practice Standard Code 360 contained in Natural Resources Conservation Service Field Office Technical Guide (Appendix B). Consistent with this standard the permittee shall remove all waste materials to the maximum extent practicable and dispose of them in accordance with the permittee's NMP, unless otherwise authorized by EPA.~~

e. Unless otherwise authorized by EPA, completion of closure for lagoons and other earthen or synthetic lined basins shall occur as promptly as practicable after ~~the permittee ceases to operate or, if the permittee has not ceased operations,~~ twelve (12) months from the date on which the use of the structure ceased, unless the lagoons or basins are being maintained for possible future use in accordance with the requirements above.

2. Closure Procedures for Other Manure, Litter, or Process Wastewater Storage and Handling Structure

No other manure, litter, or process wastewater storage and handling structure shall be abandoned. Closure of all such structures shall occur as promptly as practicable ~~after the permittee has ceased to operate, or, if the permittee has not ceased to operate,~~ within twelve (12) months after the date on which the use of the structure ceased, unless the lagoons or basins are being maintained for possible future use in accordance with the requirements above. To close a manure, litter, or process wastewater storage and

handling structure, the permittee shall remove all manure, litter, or process wastewater and dispose of it in accordance with the permittee's NMP, or document its transfer from the permitted facility in accordance with off-site transfer requirements specified in this permit Section III.D, unless otherwise authorized by EPA.

- **Draft Permit § IV.A.1.b, page 17: Records Management: Depth of Wastewater**

  - **Concern:** This section requires permittees to record weekly depth of the manure and process wastewater in storage via a depth marker. However, permanent and accurate installation of depth markers is nearly impossible due to environmental conditions. Instead, IDA proposes a more practical method of recording structure levels by noting the feet of freeboard on the pond. This method is currently employed by inspectors and is a more accurate, reliable, and practical way of measuring storage levels.

  - **Solution:** IDA recommends that the language be amended as follows:

    b. Weekly records of the depth of the manure and process wastewater in storage, containment and/or treatment structure(s), as applicable, as indicated by the depth marker under Section II.A.2.b, or by measuring the feet of freeboard of the structure;

- **Draft Permit § IV.A.1.e, page 17: Records Management: Waterline Inspections**

  - **Concern:** This section requires permittees to keep a record of all water line inspections, including drinking and cooling water lines. However, the permit does not explain how or when water lines must be inspected. Taking a practical and common-sense approach, IDA suggests that EPA expects that water lines be inspected when an operational abnormality or change is observed. For example, if water pressure is lower than normal, then it would be practical to inspect the water lines, while it would not be practical to dig up all buried water lines on a weekly basis when no operational abnormality is observed.

  - **Solution:** IDA recommends that the language be amended as follows to reflect a more practical approach:

    e. ~~Records documenting the inspections of all water line inspections, including drinking and cooling water lines and whether or not leaks were discovered~~ Record water line leaks and/or abnormalities discovered during the normal course of operation through low water pressure or other signs indicating a possible leak or abnormality. Document any repairs and/or corrective actions taken to prevent further leaking or correct the abnormality;

- **Draft Permit § V.A.8, page 22: Changes in Discharge of Toxic Pollutant**
  - **Concern:** This section discusses changes in the discharge of toxic pollutants. It is IDA's understanding that CAFOs are not allowed to discharge toxic pollutants to begin with. Therefore, this section does not seem applicable to a general CAFO permit.
  - **Solution:** IDA recommends that this section (V.A.8) be entirely stricken.
- **Draft Permit § V.B.5, page 25: Proper Operation and Maintenance**
  - **Concern:** This section appears to have been copied and pasted from another type of general permit, such as a municipal permit, and does not seem to be applicable to a general CAFO permit. Proper operation and maintenance protocols have already been addressed by other provisions in the permit citing applicable NRCS and other CAFO-specific protocols. Therefore, it is inappropriate to include it in this permit.
  - **Solution:** IDA recommends that this section (V.B.5), be entirely stricken.

Conclusion

IDA appreciates the opportunity to comment on this Draft Permit.

IDA recommends that issuance of a new General Permit for dairy operations and other CAFOs in Idaho be delayed until IDEQ takes over permitting authority and has an opportunity to work with ISDA, IDA and other interested parties in Idaho to develop a permit that is tailored to the meet the challenges, needs and expectations of dairy environmental management in Idaho.

If EPA does not postpone reissuance of an NPDES Permit to allow IDEQ to develop and issue a permit that will work in Idaho, IDA respectfully requests that its concerns and solutions be addressed and implemented in the final permit. IDA also welcomes the opportunity to meet with EPA and discuss the changes detailed herein.

Sincerely,

Daniel V. Steenson